

# Notice of Allowability

Application No.

10/039,254

Examiner

Eric B. Kiss

Applicant(s)

ROSNER ET AL.

Art Unit

2192

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination filed February 27, 2007.
2. ☒ The allowed claim(s) is/are 30,32-43,45 and 47-65, renumbered as 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 20070301
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070314.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Brent E. Vecchia (Reg. No. 48,011) on March 14, 2007.
3. The application has been amended as follows:

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**Please amend claim 62 as follows.**

**Claim 62 (Currently Amended)** A system comprising:

a dynamic random access memory to store a binary that is based on a first instruction set architecture that allows binaries to self modify;

a memory controller associated with the dynamic random access memory;

a translation logic coupled to the dynamic random access memory to receive the binary, the translation logic is to translate the binary to a translated binary that is based, at least in part, on a second instruction set architecture that does not allow binaries to self modify, wherein during the translation the translating logic is to instruct the memory controller not to check whether the binary is self modifying each time a memory write operation is executed to perform write operations without checking whether binary is self modifying.

**--END OF AMENDMENT--**

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4. The following is an examiner's statement of reasons for allowance:

Applicant's arguments, see pp. 9-11, filed February 27, 2007, with respect to the rejections under 35 U.S.C. § 103(a), have been fully considered and are persuasive.

The prior art of record describes some binary translators that are not capable of preserving all of the program semantics associated with the first instruction set architecture. *See, e.g.,* U.S. Patent No. 5,802,373 (Yates et al.) at col. 10, lines 44-62 (instructions where the execution result is not predictable or instructions for which there is no easily produced analog in the native (second) architecture are not translated). The prior art of record does not expressly teach or fairly suggest this approach of intentionally limiting the capabilities of the binary translator in accordance with compatibility controls settable from outside the translator, as recited in independent claims 30, 33, 43, 49, and 56.

Further, the prior art of record does not expressly teach or fairly suggest the binary translation including instructing the memory controller not to check whether the binary is self modifying each time a memory write operation is executed, as recited in independent claim 62.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Information Disclosure Statement***

6. The Information Disclosure Statement filed March 1, 2007, cites 3 patents that are already prior art of record. (Form PTO-892 (03/11/2004); Information Disclosure Statement (05/14/2003).)

***Conclusion***

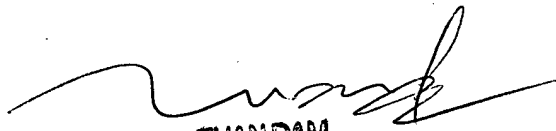
7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK /~~EBK~~  
March 14, 2007

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER